IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 4TH AUGUST 2006 / 13TH SRAVANA 1928

WP(C).No. 20549 of 2006(U)

PETITIONER:

SIMPSON MOHANDAS KALARIKKAL,
MEMBER, MALABAR DISTRICT CHURCH COUNCIL &
C.S.I.CATHEDRAL, PASTORATE COMMITTEE,
'BETHEL', PEVUMKNDY PARAMBA, CHEVAYOOR, CALICUT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

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1. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE.

3. THE RT.REV.DR.GEORGER ISSAC,
BISHOP OF C.S.I., NORTH KERALA DIOCESE,
P.B.NO.104, SHORNUR.

4. REV.VINOD ALLEN,
CORPORATE MANAGER, C.S.I.DIOCESAN
SCHOOLS IN MALABAR AND WAYANAD AREA, CALICUT.

BY GOVT.PLEADER SMT.D.P.RENU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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who is the competent authority under the Kerala Education Act and Rules. It is revealed from Ext.P4 order passed by the Director that the appointment was made by the Bishop of Diocese in conformity with the constitution of the corporate management. It was further noticed by the Director that the appointment was recommended by the D.E.O concerned. It was in the above circumstances that the Director had passed the order of approval in terms of Rule 4(2) of Chapter III K.E.R.

4. I have carefully perused the materials placed on record and heard learned counsel for the petitioner.

5. In my view the contentions raised by the petitioner are totally misconceived and untenable. Petitioner is admittedly one of the 14,000 members of the Church Council. Though petitioner has vaguely contended that several like minded members are against the appointment of respondent No.4, no one else has joined him in this writ petition. If members like the petitioner have any objection or grievance in the manner respondent No.4 has been elected as the Manager, they ought to have raised their objection before the Council or before other appropriate body. In my view, this Court under Article 226 of the Constitution need not exercise its discretionary jurisdiction to interfere with the decision taken by a duly constituted Committee.

6. At this juncture learned counsel submits that respondent No.1, Director of Public Instruction may be directed to consider Ext.P3 representation. As noticed earlier, the Director had already passed Ext.P4 order of approval which clearly reveals that he had applied his mind while passing the order. I do not find any reason to issue a direction to respondent No.1 to reconsider the matter. Therefore the

above prayer is also rejected.

7. This is in fact a fit case where exorbitant costs ought to be awarded, but since I have not admitted the writ petition and issued notice to the respondents, I refrain from doing so.

Writ Petition is dismissed.

A.K. Basheer
Judge.

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